

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CARLOSE D. ROBINSON,

Plaintiff,

v.

Civil Action No. 2:09cv102

USP HAZELTON, et al.,

Defendants.

ORDER

It will be recalled that on December 22, 2009, Magistrate Judge James E. Seibert filed a Report and Recommendation addressing the Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, filed in the above-styled case. In the Report and Recommendation, Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the Report and Recommendation. No objections to the Magistrate Judge's Report and Recommendation have been filed. Accordingly, the Court will proceed with consideration of the Report and Recommendation reviewing for clear error.¹

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction were thoroughly considered by Magistrate Judge Seibert in his Report and Recommendation. Moreover, the Court, upon a review for clear error, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the

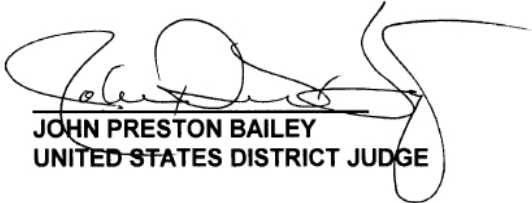
¹The failure of a party to object to a Report and Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

facts and circumstances before the Court in this action. Therefore, it is

ORDERED that Magistrate Judge Seibert's Report and Recommendation of December 22, 2009 be, and the same hereby is, accepted in whole. Accordingly, it is

ORDERED that Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 12) shall be, and the same hereby is, **DENIED** and **DISMISSED**.

ENTER: March 15, 2010.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE